

Docket No.: 712-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

In re Application of:

Yoshio Kenmochi

Group Art Unit 2913

U.S. Patent: 6,084,190

Serial No.: 09/006,763

Examiner: Amber R. Harris Miller

Filed: January 14, 1998

For: ILLUMINATED KEYPAD KEY AND METHOD OF MANUFACTURE

New York, NY 10020

February 27, 2012

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RENEWED PETITION TO REVIEW DENIAL  
OF REQUEST FOR REFUND

Sir:

It is requested that the denial of the Request for Refund of a Maintenance Fee that was mailed February 10, 2012, (copy attached as Exhibit 1, hereto) be reversed.

As more completely set forth in the Petition attached hereto as Exhibit 2, said petition being incorporated herein in its entirety, on January 3, 2012, the third Maintenance Fee for the above identified patent was paid as the result of a clerical error. A Request for Refund was filed on January 11, 2012 and the Request for Refund was denied on January 19, 2012.

The undersigned file a Petition (Exhibit 2, hereto) on January 26, 2012. However, the Petition was directed to the Office of Finance. In a letter dated February 10,

FAX RECEIVED  
FEB 27 2012  
OFFICE OF PETITIONS

2012, the Office of Finance in a letter (attached hereto as Exhibit 1), indicated that the refund could not be authorized by the Receipts Accounting Division and referred the undersigned to the Office of Petitions.

Again, as more fully set forth in Exhibit 2, the facts show that the patent owner never intended that the third Maintenance Fee was to be paid and the patent owner did not pay the Maintenance Fee, and that the third Maintenance Fee was paid through an inadvertent clerical error. The provisions of 35 U.S.C. § 24(d) and 37 CFR § 1.26 do not prohibit a refund in the present situation.

For these reasons, it is requested that a refund of \$4,730.00 be credited to Deposit Account No. 08-1540 or credited to the credit card ending in 3004, to which the Maintenance Fee was originally charged. Authorization is given to charge the required Petition Fee to Deposit Account No. 08-1540.

Respectfully submitted,

/Kathleen A. Costigan/

Kathleen A. Costigan  
Registration No. 56,006

Hedman & Costigan, P.C.  
1230 Avenue of the Americas, 7<sup>th</sup> Floor  
New York, NY 10020-1517  
(212) 302-8989

EXHIBIT 1



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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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Chief Financial Officer

**February 10, 2012**

HEDMAN & COSTIGAN, P.C.  
1230 AVENUE OF THE AMERICAS, 7<sup>TH</sup> FLOOR  
NEW YORK, NY 10020-1512  
ATTN: KATHLEEN A. COSTIGAN

Dear Ms. Costigan:

We regret to inform you that your refund request received on 01/26/2012 in the amount of \$4,730.00 covering the maintenance fee for patent number **6084190** cannot be authorized. Please see the reason(s) noted below.

- ☐ The time allowed for requesting a refund has expired. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee (37 CFR 1.28(a)). The three-month period is not extendable under 37 CFR 1.136.
- ☒ A change of purpose after payment of a fee will not entitle a party to a refund of such fee (37 CFR 1.26(a)). When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d) (MPEP 607.02).
- ☐ The refund request must be submitted by the original party that paid the fee, which is , and must be filed within one month from the date of this letter.
- ☒ Other. The Receipts Accounting Division cannot authorize this refund. Please contact the Office of Petitions at (571) 272-3282 for further assistance.

Please contact Dorethea Allen at (571) 272-6317 if you have any questions concerning this letter.

Sincerely,

Jusu Jallah  
Receipts Accounting Division  
Office of Finance

## EXHIBIT 2

Docket No.: 712-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

In re Application of:

Yoshio Kenmochi

Group Art Unit: 2913

U.S. Patent: 6,084,190

Serial No.: 09/006,763

Filed: January 14, 1998

Customer No. 47888

For: ILLUMINATED KEYPAD KEY AND METHOD OF MANUFACTURE THEREOF

New York, NY 10020  
January 26, 2011

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIEW DENIAL OF REQUEST FOR REFUND

Sir:

It is requested that the denial of the Request for Refund of a Maintenance Fee that was mailed January 19, 2012 be reversed.

On January 3, 2012, the third Maintenance Fee for the above identified patent was paid by mistake. A Request for Refund was filed on January 11, 2012<sup>1</sup> and the Request for Refund was denied on January 19, 2012<sup>2</sup>.

The owner of the patent had instructed a member of the undersigned's firm not to pay the Maintenance Fee by an email dated December 14, 2011.<sup>3</sup> The Declaration of

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<sup>1</sup> Copy Attached as Exhibit A.

<sup>2</sup> Copy Attached as Exhibit B.

<sup>3</sup> Copy Attached as Exhibit C.

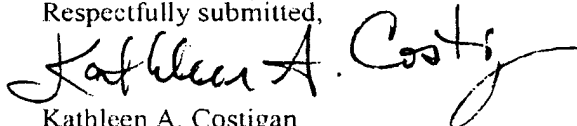
Glenda Carrasquillo<sup>4</sup> points out that she was the person who erroneously conveyed a message to the undersigned that instructions had been received to pay the third Maintenance Fee when, in fact, instructions had actually been received that the third Maintenance Fee was not to be paid. After the payment of the third Maintenance Fee, the representative of the owner of the above identified patent was notified of the payment and it was the representative's email response on January 11, 2012,<sup>5</sup> referring to the December 14, 2011 email instructions not to pay the third Maintenance Fee, which brought the error to light.

The facts show that the patent owner never intended that the third Maintenance Fee was to be paid, the patent owner did not pay the third Maintenance Fee, and that the third Maintenance Fee was paid through an inadvertent clerical error. The provisions of 35 U.S.C. § 42(d) and 37 CFR § 1.26 do not prohibit a refund in the present situation.

For these reasons, it is requested that a refund of \$4,730.00 be credited to Deposit Account No. 08-1540 or credited to the credit card ending in 3004, to which the Maintenance Fee was originally charged.

Authorization is given to charge the required Petition Fee to Deposit Account No. 08-1540.

Respectfully submitted,



Kathleen A. Costigan  
Registration No. 56,006

Hedman & Costigan, P.C.  
1230 Avenue of the Americas  
New York, NY 10020-1517  
(212) 302-8989

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<sup>4</sup> Copy Attached as Exhibit D.

<sup>5</sup> Copy Attached as Exhibit E.

## EXHIBIT A



USPTO

1/11/2012 11:23:33 AM PAGE 1/001 FAX SERVER

TO: Auto-reply fax to 12123028998 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 12123028998

Fax Information

Date Received:

1/11/2012 11:21 AM [Eastern Standard Time]

Total Pages:

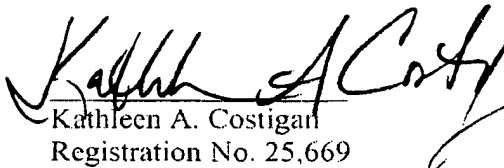
2 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
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TELECOPIER TRANSMISSION	
TO: <u>USPTO</u>	FAX NO: <u>571-253-8989</u>
FROM: <u>Kathleen A. Costigan, Esq.</u>	
FAX NO: <u>212-302-8998</u>	
TOTAL NO. OF PAGES INCLUDING THIS COVER SHEET: <u>2</u>	
DATE: <u>January 11, 2012</u>	CHARGE: <u>719-01</u>
IF THERE ARE ANY PROBLEMS REGARDING THIS TRANSMISSION, PLEASE CALL (212) 302-8989.	
<p><b>CONFIRMATION</b></p> <p>THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 01-11-2012 BY 60324.192/12123028998. THE INFORMATION WAS OBTAINED FROM THE FOLLOWING SOURCE(S):</p> <p>1. FAX TRANSMISSION FROM KATHLEEN A. COSTIGAN, ESQ. TO USPTO, JANUARY 11, 2012.</p> <p>2. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>3. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>4. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>5. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>6. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>7. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>8. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>9. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p> <p>10. USPTO FAX TO KATHLEEN A. COSTIGAN, ESQ., JANUARY 11, 2012.</p>	
<p>I hereby certify that these correspondence (request for Refund of fees) regarding Patent No. 6,024,192 is being furnished to the Patent and Trademark Office via fax number (571) 253-8989 on the date shown below:</p> <p><i>Kathleen A. Costigan</i> Kathleen A. Costigan Registration No. 25,009</p> <p>January 11, 2012</p>	
<p>PAGE 12/12 FAX NO: 12123028998 FAX SERVER: 02/27/2012 11:04 [TX/RX NO 7461] 0009</p>	

## TELECOPIER TRANSMISSION

TO: USPTO FAX NO: 571-273-8300FROM: Kathleen A. Costigan, Esq.FAX NO: 212-302-8998TOTAL NO. OF PAGES INCLUDING THIS COVER SHEET 2DATE: January 11, 2012 CHARGE: 712-017IF THERE ARE ANY PROBLEMS REGARDING THIS TRANSMISSION,  
PLEASE CALL (212) 302-8989.CONFIDENTIALTHE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY BE  
SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE OR ATTORNEY WORK PRODUCT EXCLUSION.THIS FACSIMILE IS ONLY INTENDED FOR THE DESIGNATED RECIPIENT(S). ANY  
RECIPIENT OTHER THAN THE DESIGNATED RECIPIENT(S) IS HEREBY NOTIFIED THAT MAY  
DISCLOSURE OR USE OF THE INFORMATION IS UNAUTHORIZED AND PROHIBITED. IF YOU  
HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY HEDMAN & COSTIGAN, P.C. BY  
TELEPHONE AT (212) 302-8989I hereby certify that these correspondences (Request for Refund 1 page), regarding Patent No.  
6,084,190 is being facsimiled to the Patent and Trademark Office via fax number (571) 273-  
8300 on the date shown below.  
Kathleen A. Costigan  
Registration No. 25,669January 11, 2012

Docket No.: 712-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
**Yoshio Kenmochi** ) Group Art Unit: 2913  
)  
Patent No. 6,084,190 ) Examiner: Negron, Ismael  
)  
Issued: July 4, 2000 )

For: **ILLUMINATED KEYPAD KEP AND METHOD OF MANUFACTURE**

New York, NY 10020  
January 11, 2012

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

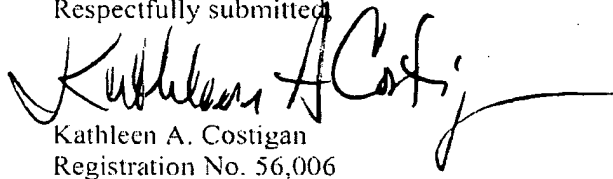
**REQUEST FOR REFUND**

SIR:

The Maintenance fee for the above identified patent was paid on January 3, 2012 in error with an American Express credit card with the last four numbers 3004. For this reason, it is requested that the total amount of the 7 ½ year Maintenance fee be refunded back to the credit card in the amount of \$4,730.00.

It is requested that the undersigned be contacted if there are any questions.

Respectfully submitted,

  
Kathleen A. Costigan  
Registration No. 56,006

HEDMAN & COSTIGAN, P.C.  
1230 Avenue of the Americas, 7<sup>th</sup> Fl  
New York, NY 10020-1512  
(212) 302-8989

## TRANSMISSION VERIFICATION REPORT

TIME : 01/11/2012 12:22  
NAME : HEDMAN COSTIGAN PC  
FAX : 12123028998  
TEL :  
SER.# : BROJ8J865105

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

01/11 12:21  
15712738300  
03:00:52  
02  
OK  
STANDARD

## TELECOPIER TRANSMISSION

TO: USPTO FAX NO: 571-273-8300  
FROM: Kathleen A. Costigan, Esq.  
FAX NO: 212-302-8998  
TOTAL NO. OF PAGES INCLUDING THIS COVER SHEET 2  
DATE: January 11, 2012 CHARGE: 712-017  
IF THERE ARE ANY PROBLEMS REGARDING THIS TRANSMISSION,  
PLEASE CALL (212) 302-8989.

CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY BE SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE OR ATTORNEY WORK PRODUCT EXCLUSION.

THIS FACSIMILE IS ONLY INTENDED FOR THE DESIGNATED RECIPIENT(S). ANY RECIPIENT OTHER THAN THE DESIGNATED RECIPIENT(S) IS HEREBY NOTIFIED THAT ANY DISCLOSURE OR USE OF THE INFORMATION IS UNAUTHORIZED AND PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY HEDMAN & COSTIGAN, P.C. BY TELEPHONE AT (212) 302-8989

## EXHIBIT B



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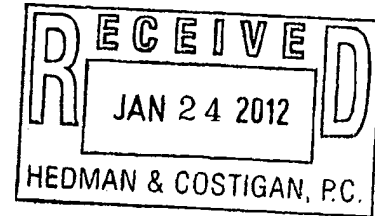
**UNITED STATES PATENT AND TRADEMARK OFFICE**

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Chief Financial Officer

January 19, 2012

HEDMAN & COSTIGAN, P.C.  
1230 AVENUE OF THE AMERICAS, 7<sup>TH</sup> FLOOR  
NEW YORK, NY 10020-1512  
ATTN: KATHLEEN A. COSTIGAN



Dear Ms. Costigan:

We regret to inform you that your refund request received on 01/11/2012 in the amount of \$4,730.00 covering the maintenance fee for patent number **6084190** cannot be authorized. Please see the reason(s) noted below.

- ☐ The time allowed for requesting a refund has expired. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee (37 CFR 1.28(a)). The three-month period is not extendable under 37 CFR 1.136.
- ☒ A change of purpose after payment of a fee will not entitle a party to a refund of such fee (37 CFR 1.26(a)). When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d) (MPEP 607.02).
- ☐ The refund request must be submitted by the original party that paid the fee, which is , and must be filed within one month from the date of this letter.
- ☐ Other.

Please contact Dorethea Allen at (571) 272-6317 if you have any questions concerning this letter.

Sincerely,

Jusu Jallah  
Receipts Accounting Division  
Office of Finance

## EXHIBIT C

**James V. Costigan**

**From:** tio@tiopat.com  
**Sent:** Wednesday, December 14, 2011 1:52 AM.  
**To:** James V. Costigan  
**Subject:** US Patent No. 6,084,190 (Your Ref: 712-017; Our Ref: TT-3-2)

Dear Mr. Costigan:

Thank you for your letter dated October 3, 2011 and a reminder thereof dated December 5.

We regrettably advise you that our client has decided to abandon the above US patent. Accordingly, please DO NOT pay the 1 1/2 year maintenance fee and close your file as abandoned.

Please acknowledge receipt of our instructions by a return email.

Very truly yours,  
Susumu TOKITA  
TIO Intellectual Property Office  
TEL: 03-3581-9538  
FAX: 03-3581-2687

12/29/2011



## EXHIBIT D

Docket No.: 712-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

In re Application of:

Yoshio Kenmochi Group Art Unit: 2913

U.S. Patent: 6,084,190

Serial No.: 09/006,763

Filed: January 14, 1998

Customer No. 47888

For: ILLUMINATED KEYPAD KEY AND METHOD OF MANUFACTURE

DECLARATION OF GLENDA CARRASQUILLO

I, Glenda Carrasquillo, declare that I am employed by Hedman & Costigan, P.C. as a secretary and my responsibilities include noting the receipt of instructions from clients in the docket book maintained by the firm.

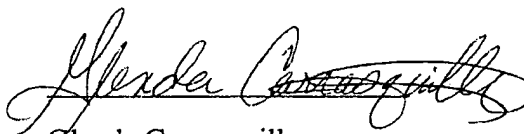
On January 3, 2012, I informed Kathleen A. Costigan, an attorney at Hedman & Costigan, P.C., that a third Maintenance Fee was due to be paid for the above identified patent on January 4, 2012. This reminder was given based on the docket book entry for January 4, 2012 that indicated that a third Maintenance Fee was due to paid and the docket book showed that instructions had been received from the client.

Kathleen A. Costigan is the individual at Hedman & Costigan, P.C. who routinely initiates the payment of Maintenance Fees for U.S. patents maintained by the firm of Hedman & Costigan, P.C. When I gave the reminder to pay the third Maintenance Fee to Kathleen A. Costigan on January 3, 2012, I did not check the actual communication received from the client and I was unaware at that time, that the client had given

instructions not to pay the Maintenance Fee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and of any patent issued thereon.

Dated: 1/26/2012

  
Glenda Carrasquillo

## EXHIBIT E

**James V. Costigan**

**From:** tio@tiopat.com  
**Sent:** Wednesday, January 11, 2012 12:35 AM  
**To:** James V. Costigan  
**Subject:** U.S. Patent No.: 6,084,190 (Your Ref: 712-010; Our Ref: TT-3-2)

Dear Mr. Costigan:

We received your letter dated January 3, 2012 with enclosures.

We are puzzled to hear that you have paid the 3<sup>rd</sup> maintenance fee for the above US patent, although we instructed you not to pay the maintenance fee. Please refer to a copy of by our email of December 14, 2011 and your acknowledgement thereto.

Please acknowledge receipt of this email by return.

Very truly yours,  
Susumu TOKITA  
TIO Intellectual Property Office

1/26/2012